

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

WANSDOWN PROPERTIES CORPORATION N.V.,

Case No.: 19-13223 (SMB)

Debtor.

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WANSDOWN PROPERTIES CORPORATION N.V.,

Plaintiff

Adv. Pro. No. 20-01056

v.

29 BEEKMAN CORP.,

Defendant.

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29 BEEKMAN CORP.,

Plaintiff

v.

Adv. Pro. No. 20-01063

WANSDOWN PROPERTIES CORPORATION N.V.

et al.,

Defendants.

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**ORDER CONSOLIDATING ADVERSARY PROCEEDINGS FOR
PROCEDURAL PURPOSES AND FIXING BRIEFING SCHEDULING**

WHEREAS, on February 26, 2020, the above-captioned debtor (the “Debtor”) commenced an adversary proceeding against 29 Beekman Corp. (“29 Beekman”), styled as *Wansdown Properties Corporation N.V., v. 29 Beekman Corp.*, Adv. Pro. No. 20-1056 (the “First Adversary Proceeding”) by filing a complaint (the “Debtor Complaint”); and

WHEREAS, on March 13, 2020, 29 Beekman filed its *Motion to Dismiss Complaint* in the First Adversary Proceeding; and

WHEREAS, pursuant to S.D.N.Y. LBR 7056-1(a), on March 19, 2020, the Debtor requested, by letter, a pre-motion summary judgment conference to which 29 Beekman opposed by letter dated March 23, 2020; and

WHEREAS, on March 25, 2020, 29 Beekman commenced an adversary proceeding against, among other parties, the Debtor, styled as *29 Beekman Corp. v. Wansdown Properties Corporation N.V., et al.*, Adv. Pro. No. 20-1063 (the “Second Adversary Proceeding” and collectively, with the First Adversary Proceeding the “Actions”); and

WHEREAS, on March 29, 2020, the Court granted Debtor’s request to move for summary judgment on Debtor’s claims; and

WHEREAS, on April 8, 2020, the Debtor filed its *Motion for Summary and Opposition to Defendant’s Motion to Dismiss Complaint* (the “Summary Judgment Motion”); and

WHEREAS, on April 23, 2020, 29 Beekman timely filed its Amended Complaint (the “29 Beekman Amended Complaint”) in the Second Adversary Proceeding; and

WHEREAS, the Court found that the Actions involve a common question of law or fact within the meaning of Fed. R. Civ. P. 42, as made applicable to the Actions by Fed. R. Bankr. P. 7042; and

WHEREAS, following a pre-trial conference in the First Adversary Proceeding on April 23, 2020, the Debtor and 29 Beekman agreed to consolidate the Actions for procedural purposes and to a scheduling order governing the pending pre-trial motions and the defendants’ time to respond to the Amended Complaint the Second Adversary Proceeding; and

ORDERED, that pursuant to Fed. R. Bankr. P. 7024, the Actions shall be consolidated for procedural purposes and nothing herein shall affect any of the parties' respective rights, claims, objections, or defenses in the Actions. The First Adversary Proceeding, Adv. Pro. No. 20-1056, shall be considered the "lead case," and all further pleadings in both Actions shall be filed therein. Adv. No. 20-1063 shall be administratively closed (subject to reopening if the matters are hereafter severed); and it is further

ORDERED, that 29 Beekman's *Motion to Dismiss Complaint* is withdrawn and marked off calendar; and it is further

ORDERED, on or before May 7, 2020, 29 Beekman shall file its opposition to Debtor's Summary Judgment Motion and any cross-motion for summary judgment solely with respect to the Debtor Complaint; and it is further

ORDERED, on or before June 8, 2020, the Debtor shall file its opposition to any cross-motion for summary judgment filed by 29 Beekman solely with respect to the Debtor Complaint; and it is further

ORDERED, on or before June 23, 2020, (a) 29 Beekman shall file its reply in support of its cross-motion for summary judgment, and (b) the Debtor shall file its reply in further support of the Debtor's Summary Judgment Motion; and it is further

ORDERED, that no party shall file any sur-replies without seeking prior Court approval upon notice to the opposing party; and it is further

ORDERED, that on July 14, 2020, at 10:00 a.m. the Court shall hold a hearing on the summary judgment motions; and it is further

ORDERED, that the time for the defendants in the Second Adversary Proceeding to respond to 29 Beekman's Amended Complaint shall be extended *sine die*; and it is further

ORDERED, that all of the parties' respective rights, claims, and defenses with respect to the Second Adversary Proceeding are preserved; and it is further

ORDERED, that the Court shall retain jurisdiction to adjudicate all issues arising from or related to the implementation and interpretation of this Order.

Dated: New York, New York
May 1st, 2020

/s/ STUART M. BERNSTEIN